

Appl. No. : 09/300,139
Filed : April 27, 1999

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1-20, 22, 24-32, 34-42, and 44-54 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,510,553 to Hazra (hereinafter "Hazra") in view of U.S. Patent No. 6,466,697, to Boon (hereinafter "Boon"). Claims 21, 23, 33, and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hazra in view of Boon in view of U.S. Patent Application No. 2001/0038674, to Trans (hereinafter "Trans").

Applicant has enclosed herewith a Declaration Under 35 U.S.C. § 1.131. The Declaration shows that the SureStream product described in Hazra and which was relied upon by the Examiner in the Office Action was invented by the present inventors. Hazra states: "In one embodiment, the multiple independent streams may be authored according to the Smart Stream™ multimedia content technology commercially available from Real Networks, Inc." See col. 8, line 57-60. In light of this Declaration and the admission of Hazra that the subject matter that was relied upon by the Examiner was invented by RealNetworks, Applicant respectfully submits that prior invention of this subject matter has been shown and that Hazra is no longer usable as a basis for rejecting the present claims under 35 U.S.C. §§ 102(e) or 103(a). Furthermore, since Hazra was the primary reference relied upon by the Examiner in rejecting each of independent Claims 1, 9, 10, 15, 20, 24, 34, 35, and 46, Applicant respectfully submits that the reasons for rejection in the Office Action do not currently provide an appropriate basis for rejection of the claims, and that all claims are now in condition for allowance.

Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

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Respectfully submitted,

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